

TULARE YOUTH RECREATION AND WOMEN'S HISTORY
ENHANCEMENT ACT

FEBRUARY 26, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 805]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 805) to authorize the conveyance of and remove the reversionary interest of the United States in certain lands in the City of Tulare, California, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 805 is to authorize the conveyance of and remove the reversionary interest of the United States in certain lands in the City of Tulare, California.

BACKGROUND AND NEED FOR LEGISLATION

In 1998, Public Law 105-127 provided for the conveyance of a number of properties along the railroad right-of-way owned by the Union Pacific Railroad. This legislation inadvertently missed two parcels of land that hold historic and cultural significance to the City of Tulare, which currently leases them from Union Pacific as

part of a railroad right of way. The United States retains a reversionary interest in these parcels which it has not exercised.¹

The Women's Clubhouse and the Rotary Skate Park are located on two small but important pieces of land for the City of Tulare and its residents. The Clubhouse has been a meeting and event site since the 1800s. For many years it housed the Tulare library as well as the Salvation Army. The Tulare Women's Club gained ownership of the building in 1912. In recent years the site has been used for city-sponsored events and community gatherings.

The Skate Park, historically known as Railroad Park, has always been a park for people of Tulare to gather in. In recent years, the Tulare Rotary Club has made the park even more appealing by turning it into a skate park that has been a popular recreation area.

H.R. 805 authorizes the conveyance of, and relinquishes the reversionary interest in, specified land parcels that were retained as a right-of-way for the construction of a railroad and telegraph to the Pacific coast in 1866. The relinquishment of the U.S. reversionary interest will be effective once the Union Pacific Railroad conveys the parcels to the City of Tulare. The Union Pacific Railroad has agreed to allow the purchase of these parcels and has provided a letter of support for this legislation.

COMMITTEE ACTION

H.R. 805 was introduced on February 1, 2017, by Congressman Devin Nunes (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On December 7, 2017, the Subcommittee held a hearing on the bill. On January 17, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

¹ Information provided by the office of Congressman Devin Nunes.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 8, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 805, the Tulare Youth Recreation and Women's History Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 805—Tulare Youth Recreation and Women's History Enactment Act

H.R. 805 would direct the Bureau of Land Management (BLM) to convey, without consideration, a reversionary interest in two small parcels of land in Tulare, California, to the Union Pacific Railroad. The city of Tulare currently leases the affected parcels from the Union Pacific Railroad and is seeking to purchase the parcels under the condition that BLM's reversionary interest is extinguished.

Because CBO expects that the railroad would retain ownership of the parcels over the next 10 years and that the federal government would receive no proceeds from those parcels over that period, we estimate that enacting the bill would not affect the federal budget. Therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 805 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the conveyance of and remove the reversionary interest of the United States in certain lands in the City of Tulare, California.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

ADDITIONAL VIEWS

H.R. 805 releases the reversionary interest on two parcels of land (approximately 2 acres) in Tulare County, California. The parcels are currently leased from Union Pacific Railroad and contain a skate park and historic women's club owned and operated by the city. City officials want to make improvements to both facilities but are unable to secure financing without clean and free titles to the property.

In the 19th Century, Congress granted the land to Southern Pacific Railroad—the predecessor of Union Pacific—for use as a railroad right of way. Congress subsequently authorized the railroad to lease the land to Tulare for other public purposes. However, the land remains encumbered with a reversionary interest.

Congress passed a law in 1998 (P.L. 105–195) that released the reversionary interest on 12 parcels in Tulare. H.R. 805 deals with two additional parcels, allowing Union Pacific to sell the land to Tulare and clear the way for the planned improvements. P.L. 105–195 was the first time Congress authorized the release of a reversionary interest for redevelopment purposes. At the time, the railroad had already sold the land to Tulare—even though it belonged to taxpayers—and Congress had to intervene to remedy the situation.

Unlike the situation in 1998, the two parcels referenced in H.R. 805 have not been sold, and under normal circumstances, the federal government, not Union Pacific, should receive payment for the parcels if they are no longer used as originally intended by Congress. However, the history of Congressional involvement in Tulare justifies an exception to this standard.

RAÚL M. GRIJALVA,
*Ranking Member, Committee
on Natural Resources.*

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